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January 26, 2016

VIA ECF

Honorable James Orenstein
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Lizanets et al v. Ocean Empire Management, LLC et al - 1:15-cv-04161-ILG-JO

Dear Judge Orenstein:

We represent the Plaintiffs in the above referenced matter and write, pursuant to the Court's instruction yesterday (ECF Doc. 25), to provide the Court with authority for Plaintiffs' position that the FLSA settlement agreement should be approved because the general releases in the agreement are mutual, and Plaintiffs therefore also benefit from the mutual general releases.

Judge Cott, in *Souza v. 65 St. Marks Bistro*, No. 15-CV-327 (JLC), 2015 WL 7271747, at *5 (S.D.N.Y. Nov. 6, 2015), recently approved a FLSA settlement agreement that contained a general release provided that the general release was made mutual in all respects. Judge Cott noted that "[a] mutual release will ensure that both the employees and the employer are walking away from their relationship up to that point in time without the potential for any further disputes. It is just as necessary for employees to obtain a release from the employer in these circumstances, otherwise they could still face the threat of litigation. This result is consistent with the goals of a fair and just settlement." Here, because Plaintiffs are the beneficiaries of general releases in their favor from the Defendants, the agreement should be approved.

In light of the above, Plaintiffs respectfully request that this Court grant Plaintiffs' motion (ECF Doc. 23) and approve the parties' Agreement and dismiss this case with prejudice without attorneys' fees or costs except as provided for in the Agreement. In the event that the Court prefers that the parties' re-execute an agreement with a release limited to the wage and hour claims alleged in the complaint, Plaintiffs respectfully request a one week period for the parties to renegotiate the agreement. We thank the Court for its attention to this matter.

Respectfully submitted,
/s/ DAVID HARRISON
David Harrison

cc: All counsel of record (via ECF)